Is Sedevacantism 'Pope-Sifting'?

Rev. Anthony Cekada

In early 1995 I published *Traditionalists, Infallibility and the Pope*, a short, non-polemical booklet setting forth the case for sedevacantism.[1]

An explanation of the term "sedevacantism" may be in order. Traditional Catholics have tried to explain in various ways how the errors and evils of the officially-sanctioned Vatican II changes could come from what appears to be the authority of an infallible Church. The sedevacantist position maintains that the only coherent explanation for this state of affairs is to conclude that, since error and evil **cannot** come from the authority of an indefectible and infallible Church, the ecclesiastics who promulgated these changes — from pope on down — at some point **lost** their office and authority through personal heresy.[2]

The last point may surprise many Catholics. But an impressive list of pre-Vatican II theologians and canonists, as well as at least two popes (Innocent III and Paul IV) admit the principle behind it: That a pope, in his personal capacity, **can** defect from the faith or become a heretic. When the fact of his defection becomes manifest, such a pope automatically (*ipso facto*) loses his office and authority.

I cited numerous passages on this point in *Traditionalists, Infallibility and the Pope*. To my surprise, the booklet proved extremely popular and continues to receive a wide distribution throughout the world.

In October 1995 the Society of St. Pius X's official U.S. publication, *The Angelus*, printed an article by Lazlo Szijarto entitled "Pope-Sifting: Difficulties with Sedevacantism."

Mr. Szijarto wrote "Pope-Sifting"[3] in response to my booklet. Since the Society has been promoting Mr. Szijarto's article as sort of a definitive refutation of my study, and since Mr. Szijarto himself asked me to comment, a public reply is in order.

The average layman who reads Mr. Szijarto's article may find it impressive, or at least intimidating. The main text is peppered with Latin quotes — and who's a simple layman to argue with Latin quotes? Grand-

sounding general principles are confidently asserted. The footnotes, complex sentences, high-toned words ("criteriologically," "ontologically") and seemingly erudite quibbling (e.g., hand-wringing over how to translate "*quoad nos*") create an ambiance that the man in the pew associates with learned intellectual discourse.

But the layman should not be cowed by all this. Latin quotes, footnotes and high-toned jargon are sometimes just camouflage for what, upon close examination, turns out to be not simply a bad argument, but nonsense on stilts.

Mr. Szijarto's offenses are legion: he misrepresents opponents' positions, piles up utterly gratuitous assertions about various points of church law and ecclesiology, mistranslates and misapplies his sources' statements, provides inaccurate and unverifiable citations,[4] tosses in sanctimonious personal attacks, tries to tar all sedevacantists with ridiculous opinions held by only a handful, and "puffs" (exaggerates) the authority of an opinion held by the theologian John of St. Thomas.

Mr. Szijarto's capital sin is a series of principles which he enunciates at the beginning of his article and which he makes the basis for his entire argument. Mr. Szijarto has not only aimed these principles at a sedevacantist straw man of his own devising, but also has created them on his own from an out-of-context quote which he has both misapplied and mistranslated. This alone is utterly fatal to the rest of Mr. Szijarto's argument.

Since his article does, however, contain a number of other major errors, we will address four points here: (1) The false first principles Mr. Szijarto lays down about the "determination" that a pope has fallen from office. (2) His misapplication of the theologians' teachings on "dogmatic facts." (3) His manufacture of a non-existent conflict between sedevacantism and the doctrine of the Church's indefectibility. (4) His puffing of John of St. Thomas.

I. False First Principles

In the first paragraph of his article, Mr. Szijarto concedes that it is common teaching among theologians that a pope who defects from the faith or becomes a heretic, once the fact becomes manifest, automatically loses his office.[5] He then adds:

Catholics, however, do not have the right to make a *determination* on their own *as to the fact* of whether a deposition has actually taken place in this manner.

Although manifest heresy would ontologically effect deposition *ipso facto*, a determination would have to be made by the Universal Church about that very fact embodied in the expression *ipso facto* — most probably through the declaration of a General Council — before individual Catholics *could arrive at such a conclusion* criteriologically.…

[The Church] would have to do so before Catholics could make that determination for themselves. [His emphasis]

These assertions, so confidently delivered, are hogwash.

A. The "Determination" Straw Man

Mr. Szijarto, first of all, has set up a straw man by applying an equivocal term — "determination" — to two entirely different things, which he then falsely equates: (1) an individual sedevacantist's **conclusion** that the Holy See is vacant, and (2) a General Council's formal **legal declaration** that the Holy See is vacant.

It's a clever sleight-of-hand, but a fundamentally dishonest argument — particularly so, given the pains I took at the end of my article to assure readers that a firm personal conclusion about the vacancy of the Holy See was **not**, and could not be, the same thing as an authoritative declaration from the Church.

B. Gratuitous Assertions

The first two of Mr. Szijarto's statements quoted above are gratuitous. Where, for instance, is the list of authorities who support his sweeping universal statement that Catholics "have no right" to "determine" (i.e., conclude) that a deposition has taken place? Where are all the canonists who have said with Mr. Szijarto that a "determination" from the Universal Church would have to come before an individual Catholic could arrive at the conclusion "criteriologically"? — whatever *that* means.

C. A Misapplied Mistranslation

For the third assertion quoted above, Mr. Szijarto cites the theologian Hervé in a footnote, providing the Latin original and an English translation.

Even at first glance, the Hervé quote in the footnote appears irrelevant to the statement in Mr. Szijarto's main text. Mr. Szijarto is speaking about who supposedly makes "determinations." Hervé, on the other hand, appears to be addressing the canonical technicality of how an office illegitimately occupied must first be officially declared vacant before proceeding to an election — apples and oranges, in other words.

This alone is bad enough. Comparing Mr. Szijarto's translation to the Latin and locating it in the original work, however, reveals that Mr. Szijarto has lifted the quote out of context, misapplied it and then mistranslated it.

The passage from Hervé is not, as Mr. Szijarto's article implies, from a discussion about who has the right to "determine" that a pope has fallen from office. Rather it is from the theologian's lengthy refutation of the arguments for conciliarism — the heresy that a General Council of the Church is superior to a pope.

The context in Hervé's work is as follows:[6] (I) Refutation of the heretics' general claim for conciliar superiority. (II) Refutation of their misrepresentation of the Council of Constance. (III) Whether a Council, independent of a pope, can determine *anything* about the person of a pope regarding: (1) his election, or (2) his deposition.

Regarding deposition, Hervé enunciates the general principle that a General Council can in no way and for no reason depose a pope. In some detail, Hervé explains specifically why a Council cannot do this on grounds of a pope's (a) moral depravity, (b) heresy or (c) doubtful election.

Regarding heresy, Hervé recaps the standard teaching of theologians quoted in so many sedevacantist tracts — by heresy a pope puts himself outside the Church, and *ipso facto* loses his office. Hervé then returns to explain the role of a General Council in all this:

In that case, a Council (the Church) would **have only the right** to declare his see vacant so that the usual electors could safely proceed to an election.

A General Council, in other words, **can do no more** vis-à-vis a heretical pope than declare his see vacant. In context, Hervé offers this statement as part of a refutation of conciliarism.

Mr. Szijarto, however, mistranslates the Latin, and puts the "only" with the wrong word,[7] thus completely changing the meaning of the passage to the following:

In that case, **only a Council** (the Church) would have the right to declare his see vacant so that the usual electors could safely proceed to an election.

There's a world of difference, obviously, between saying "only a Council" has the right to declare the see vacant, and saying that a Council "would have only the right" to declare it vacant.

The starting point for Mr. Szijarto's whole argument — "making determinations" — is thus based on a mistranslation.

II. dogmatic facts

The second principle Mr. Szijarto invokes against sedevacantism concerns "dogmatic facts."

Broadly speaking, a dogmatic fact is some fact so closely connected with a dogma that it is necessary for establishing or correctly explaining that dogma.[8]

Theologians classify the legitimacy of a pope or a General Council among dogmatic facts, because only a **legitimate**pope or council can establish a dogma.

Theologians also teach that the Church is **infallible** when she has determined that a particular pope or General Council are legitimate. If it were otherwise, dogmas would be endangered.

To question, for instance, the legitimacy of Pius IX would imperil the dogma of the Immaculate Conception, which he solemnly defined. Similarly, to impugn the legitimacy of the Council of Trent would undermine the dogmas it defined on the Sacrifice of the Mass.

Mr. Szijarto paints sedevacantism as running afoul of this. Infallibility about dogmatic facts, he says, guarantees a pope's legitimacy beforehand. Sedevacantists reason backwards from a perceived "false" teaching to the non-legitimacy of a pope, making it possible for one to impugn the legitimacy of **any** pope, post- or pre-Vatican II. This renders any notion of infallibility impossible.

A. Apples and Oranges

Mr. Szijarto here is guilty of what logicians call the fallacy of *ignorantia elenchi* — arguing against apples when everyone else is talking about oranges.

His argument assumes that sedevacantists predicate their position on retroactively impugning the legitimacy of Paul VI's **election.** This is not really the case.

Montini may indeed have been legitimately elected pope; I myself have not seen any truly convincing arguments to the contrary. For me, as for most sedevacantists, the problems with Paul VI's legitimacy do not so much concern his **election** as his loss of office **after** election.

This issue has nothing whatsoever to do with infallibility and dogmatic facts.

B. A Missing Ingredient

Mr. Szijarto quotes the following passage from Hervé in an attempt to drive home his point about dogmatic facts:

What good would it be to profess the infallible authority of Ecumenical Councils or Roman Pontiffs in the abstract if it were permitted to entertain doubts about the legitimacy of any given Council or Pontiff?[9]

Again Mr. Szijarto is picking something out of context. Two sentences before the foregoing passage, Hervé notes that a dogmatic fact concerning the legitimacy of a council or a pope is "principally **historical**."[10] The Church's infallibility in this respect precludes challenging the legitimacy of **past** General Councils or pontificates that the Church has always accepted as legitimate.

In 1965, for example, no Catholic could have claimed that Pius IX had been illegitimately elected or that the Council of Trent had been illegitimately convoked, and that the pronouncements of either were therefore somehow null. The Church's infallibility regarding these historical facts, connected as they are with her dogmas, prevented any error about legitimacy.

But the story in 1965 for Paul VI was different. While a dead pope can't "lose" legitimacy (i.e., lose his office) a living one most surely can. He does so if he defects from the Catholic faith and that defection becomes manifest. This is what sedevacantists maintain happened to Paul VI.

The principle is, as Mr. Szijarto himself admitted, the common teaching of theologians. Yet he complains sedevacantists apply it *a posteriori* (from after the fact). Of *course* we do — that's how all the authorities say it's supposed to work.

If Mr. Szijarto thinks that the principle of automatic loss of office for heresy somehow undermines the Church's infallibility regarding dogmatic facts, his quarrel is not with sedevacantists, but with the big-gun canonists and theologians such as St. Antoninus, St. Robert Bellarmine, St. Alphonsus, Wilhelm, Badii, Prümmer, Wernz-Vidal, Beste, Vermeersch-Creusen, Maroto, Coronata and Regatillo.[11] All we sedevacantists do is apply their teachings to Paul VI.

C. Crossed-Out Popes

Based on his faulty understanding of the nature of a dogmatic fact, Mr. Szijarto argues that sedevacantism makes it possible to impugn the legitimacy

of **any** pope in history (e.g., Pius XII, Pius XI, Benedict XV, Pius IX, even St. Peter), not just the post-Vatican II ones.

But since the dogmatic fact of legitimacy is (as we have seen) principally historical, the position of Pius XII and his predecessors is unassailable. At the same time, the Church's infallibility regarding the legitimacy of past popes does not preclude one from maintaining that a living pope has fallen from office — as sedevacantists did during the time of Paul VI.

On the positive side, Mr. Szijarto's error at least made for some amusing graphics[12] in the terminally somber *Angelus*, where most of the humor tends to be unintentional.

D. Which Dogma is in Peril?

One reason why the Church is infallible with dogmatic facts touching upon legitimacy is, as we have said, that Catholic dogmas would be imperiled otherwise.

What "Catholic dogmas" proclaimed by Paul VI and John Paul II are imperiled by impugning their legitimacy? That non-Catholic sects are means of salvation? That all men are saved? That liberty of conscience is divinely revealed?

It would be interesting to hear the answer. Mr. Szijarto?

III. indefectibility

The third principle Mr. Szijarto appeals to is the indefectibility of the Church.

His argument runs as follows: Only the universal Church can make infallible judgments about a pope's legitimacy. A doubtful pope would be no pope only if the *whole* Church seceded from him. Sedevacantism poses serious difficulties for the Church's indefectibility, which prevents the whole Church from either adhering to a false one or rejecting a true one. The Church enjoys infallibility with regard to the legitimacy of a pope. This leaves two alternatives: Either the Vatican II popes are legitimate or the Catholic Church resides only in sedevacantist groups.

A. Two Contradictory Principles

Mr. Szijarto's argument contains two propositions which implicitly contradict each other:

1. Only if the *whole* Church secedes from a pope is he a false pope. (= All must reject him.)

2. The *whole* Church cannot adhere to a false pope. (= Part can reject him, part can accept him.)

The first proposition implies that *part* of the Church **cannot** continue to adhere to someone who is a false pope; the second implies that part of the Church **can.**

Both propositions obviously cannot be true. The origin of this contradiction in Mr. Szijarto's argument can be traced to…

B. More Misapplied Quotes

The nexus of any discussion about sedevacantism is the issue of a **heretical** pope: Is such a thing possible? If so, what principles apply? Could Paul VI or John Paul be classified as such? etc.

But Mr. Szijarto, once again, offers quotes about apples to refute arguments about oranges.

Looking up the context of Mr. Szijarto's first two quotes (from Franzelin and Hervé) reveals that the authors are dealing not with the topic of a **heretical** pope (*papa haereticus*), but rather with that of a **doubtful** pope (*papa dubius*) — issues the ecclesiology textbooks treat separately.

In both cases the authors are discussing schism, specifically the Great Western Schism (ca. 1378–1417), when several rival popes, each supported by his own faction, tried to claim the throne of Peter. The "doubt" did not concern the claimants' personal orthodoxy, but the canonical issue of which of them was in fact the successor of Peter.

In the paragraph immediately preceding the passage Mr. Szijarto quotes, both Franzelin and Hervé do discuss the question of a **heretical** pope. Both admit that a heretical pope loses his office.[13]

Mr. Szijarto's third quote cannot be verified (the second instance of this) because he provides an inaccurate citation.[14] In any event, since the quote appears to be dealing with dogmatic facts, it is (based on what we have said in section II) likewise irrelevant to the discussion.

C. False Alternatives

At the end of his section on indefectibility, Mr. Szijarto presents two alternatives as his conclusion: Either the Vatican II popes are legitimate or the Catholic Church resides only in sedevacantist groups.

Since Mr. Szijarto has based these alternatives on contradictory principles and irrelevant citations, the choice he has constructed is completely false.

IV. john of St. Thomas

The fourth main section of Mr. Szijarto's article is devoted to reproducing passages from the Spanish Dominican theologian John of St. Thomas (1589–1644).

The excerpts Mr. Szijarto quotes propose in essence that a heretical pope juridically remains head of the Church until a General Council declares the fact of his heresy. Until then, all the acts of such a pope are valid.

Mr. Szijarto praises this to the heavens. John of St. Thomas has dealt with the issue "brilliantly" and "ingeniously." Thus, says Mr. Szijarto, "ontologically manifest" reality is reconciled with "juridically visible reality, i.e., criteriologically manifest — manifest in the true sense of the term."(?)

A. An Abandoned Position

In Appendix 1 of *Traditionalists, Infallibility and the Pope,* I reproduced quotes from twelve canonists and theologians who taught that a manifestly heretical pope automatically falls from office.[15] Six of them further specified that this loss of office takes place without the need for any declaration or sentence. This authors characterize as "the common opinion" or even "the more common opinion."

In his treatment of John of St. Thomas, Mr. Szijarto is merely promoting a minority opinion which later writers subsequently abandoned. It is absurd for him to portray it as a master-stroke which destroys the sedevacantist position. If canonists rejected, abandoned or ignored the position there must have been a reason.

It is possible that an explanation for this may be found in the two following points.

B. A Papal Law Contradicted

In 1559, in order to preclude the possibility of a heretic usurping the throne of Peter, Pope Paul IV issued the Bull *Cum ex Apostolatus Officio*.

Paul IV decreed that if anyone elected pope had beforehand deviated from the Catholic faith or fallen into any heresy, among other things, his election would be invalid, his appointments would be invalid, and he would automatically lose his office **without the need to make any further declaration.** (I reproduced the pertinent passages in my booklet.)

The opinion of John of St. Thomas that a declaration **is** needed before a pope loses office, obviously, cannot be defended in the face of a papal law which decreed emphatically and repeatedly that such a declaration is **not** required.

C. A Juridical Absurdity

While it may have been justifiable for John of St. Thomas to propose his solution under some provision of church law in force in the 17th century, it would be neither reasonable nor possible to propose it now.

Both the 1917 Code of Canon Law[16] and John Paul II's 1983 Code[17] (which I assume Mr. Szijarto accepts) specify that **only the Pope can convoke a General (Ecumenical) Council**. Under both codes, moreover, the pope sets the agenda, can dissolve the Council, and **must confirm and promulgate its decrees** for them to have binding force.

If one were to insist (as Mr. Szijarto does) that a heretical pope loses office only **after** a General Council declares him to be such, the law would require, to effect his deposition, that the heretical pope convoke a Council against himself, place the issue of his own deposition on the agenda, and then confirm and promulgate the Council's decrees declaring his own deposition.

This sort of cooperation would probably be too much to expect, even in the age of ecumenism.

The application of the principle Mr. Szijarto puts forward thus results in a juridical absurdity.

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Mr. Szijarto, like many an apologist for the Society of St. Pius X's current position, deals with sedevacantism by distorting it and then attempting to refute the distortion. We have identified four main problems in his particular critique:

1. The underlying principle for Mr. Szijarto's argument (regarding "determination") is aimed at a straw man, and is based on a passage that Mr. Szijarto has both misapplied and mistranslated.

2. Mr. Szijarto misrepresents the nature of the "dogmatic fact" of legitimacy.

3. Mr. Szijarto bases his arguments regarding indefectibility upon quotes which in their original context refer to a *doubtful* pope, an issue irrelevant to a discussion of sedevacantism, which principally concerns the possibility of a *heretical* pope.

4. The opinion of John of St. Thomas, so highly praised by Mr. Szijarto, is an abandoned or (at best) minority position, which contradicts legislation solemnly promulgated in a papal bull, and which would produce the juridical absurdity of a heretical pope convoking a council against himself.

When I was a seminarian in Ecône, I heard Archbishop Lefebvre say many times that Paul VI's New Mass was a "spiritual poison that destroys the Catholic faith" — a proposition virtually all traditional Catholics would accept. But the authority of Christ's Church, infallible in promulgating universal disciplinary laws, **cannot** give a rite which destroys the faith. The only way to reconcile infallibility with such soul-destroying evil is to conclude that those who perpetrated it at some point defected from the faith, lost their authority before God, and hence were no popes at all.

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[1] Single copies are available free from St. Gertrude the Great Church, 11144 Reading Rd., Cincinnati OH 45241.

[2] The term "sedevacantist" comes from the Latin phrase *sede vacante*, the technical term for interregnum between popes when the papal see is vacant. In English, it is generally pronounced: say-day-va-CAHN-tist.

[3] The curious title is a dig at sedevacantists, who objected to the St. Pius X Society's stated policy of "sifting" all the words and deeds of Paul VI and his successors, and then obeying only what the Society's superiors decided was "in accord with tradition."

[4] E.g., footnote 10 cites to Hervé, *Manuale Theologiae Dogmaticae* (1943) I.514, where the passage Mr. Szijarto quoted is nowhere to be found.

[5] The editors of *The Angelus*, it should be noted, excised this concession when they printed Mr. Szijarto's article, probably because it undercuts the Society's party line. His original begins: "**Theologians commonly** hold…" The edited version begins: "**Some** theologians hold…"

[6] See Hervé, I.498–501.

[7] The Latin, Hervé I.501, reads as follows: "Tunc Concilium [Ecclesia] ius tantum haberet sedem vacantem declarandi, ut ad electionem tuto procedere possent consueti electores." The *tantum* (only, merely) modifies the verb *haberet* (would have). If the passage meant what Mr. Szijarto claims it does, the *tantum* would be next to *Concilium* (a Council), and would begin: "Tunc *Concilium tantum* [Ecclesia] jus haberet…"

[8] Various theologians give slightly different definitions for the term.

[9] Citing Hervé, I.514.

[10] Hervé I.514:"Factum autem istud *triplex* distingui potest: 1) principaliter *historicum*, quo agnoscitur regula fidei, v.g., legitimitas concilii alicujus oecumenici aut Pontificis :… De duobus ultimis tantum loquimur in praesenti, cum infallibilitas Ecclesiae circa primum sponte defluat ex supradictis de concilio, de Pontifice et de ipsa Ecclesiae indefectibilitate." His emphasis.

[11] For which, see my original article.

[12] A picture chart of the popes with some crossed out.

[13] J.B. Franzelin, *De Ecclesia Christi* (1907), 231: "…vel spontanea defectione ab Ecclesia per manifestam et contumacem haeresim…" Franzelin adds that doubting whether, due to Christ's promises, this could actually ever come about is "not without reason." Mr. Szijarto reproduced the quote from Hervé I.501 in the passage he mistranslated.

[14] Footnote 13 cites to A. Tanquerey *Synopsis Theologiae Dogmaticae* (1921)I.84, where the passage quoted is nowhere to be found.

[15] Some even though they thought it unlikely that God would ever permit such a thing to happen.

[16] See Canon 222ff.

[17] See Canon 338ff.